S.B.CIVIL WRIT PETITION NO.4724/2004

Bhupendra Singh
v.
State of Rajasthan & Ors.

DATE OF ORDER :: 24h April, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mrs. Nupur Bhati for Mr. P.S.Bhati, for the petitioner.
Mr. S.S.Ladrecha, Additional Government Advocate.

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This petition for writ is preferred by the petitioner seeking a direction for the respondents to consider his candidature for the purpose of appointment to the post of Teacher Gr.III in pursuant to the notification dated 15.6.1998 issued by the Chief Executive Officer-cum-Secretary, Zila Parishad, Sriganganagar by taking into consideration the marks obtained by him in Secondary School Examination 1997.

The factual matrix necessary for adjudication of this writ petition is that the petitioner at the first instance qualified Secondary School Examination in the year 1984 and thereafter again in the year 1997. The respondents while determining merit for the purpose of appointment as Teacher Gr.III, according to the petitioner, considered marks obtained by him in Secondary School Examination 1984 and not in the examinations of 1997. Being aggrieved by the same he preferred a writ petition before this Court i.e.

SBCivil Writ Petition No.6242/2003 and that came to be disposed of by an order dated 6.11.2003 with a direction to the respondents to decide the representation submitted by the petitioner ventilating his grievance. The Chief Executive Officer, Zila Parishad, Sriganganagar under an order dated 8.9.2004 considered and rejected claim of the petitioner on various grounds including that in view of Rule 274 of the Rajasthan Panchayati Raj Rules, 1996 (hereinafter referred to as "the Rules of 1996") the merit list prepared for extending appointments stands lapsed at the end of educational session. The Chief Executive Officer on merits too rejected the claim of the petitioner for taking into consideration the marks obtained by him in Secondary School Examination, 1997, hence this petition for writ is preferred.

The selection proceedings those are subject matter of present petition for writ took place in the year 1998. The appointments in pursuant thereto were also given soon thereafter. The petitioner at first instance approached this Court in the month of November, 2003 i.e. after a lapse of atleast more than four years from the date of completion of selection proceedings. Such a delay in the matters pertaining to the appointments and selections is fatal and no relief can be granted to the person aggrieved at such a belated stage. A specific stand of the respondents in the order impugned itself is that the petitioner

approached after expiry of select list in accordance with Rule 274 of the Rules of 1996, no challenge to that is given by the petitioner in entire petition for writ. In view of that the petitioner is not entitled for getting any relief in this petition for writ.

Accordingly, the writ petition is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.